

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

Public Notice/Application No.: 2004-00356-CJL

Comment Period: June 28, 2004 through July 28, 2004

Applicant

Sam Elters
Arizona Department of Transportation
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(928) 757-5828

AGENT

Larry Lindner
ADOT Environmental & Enhancement Group.
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Phoenix, Arizona 85007
602-712-6322

Location

The project is located on US 93 from milepost (MP) 155.7 to MP 159.8 approximately 55 miles north of Wickenburg (Section 31, T13N, R9W, and Sections 5, 6, 8, 9 and 16 T12N, R9W), Yavapai County, Arizona. The project area is within the US Bureau of Land Management (BLM) and Arizona State Land Department (ASLD) lands.

Activity

The Arizona Department of Transportation (ADOT) is planning to upgrade US 93 from a two-lane roadway to a four-lane divided highway between MP 155.7 and MP 159.8. The existing concrete box culvert (CBC) at Bridle Creek will be removed and replaced with a bridge. Channel modifications of Bridle Creek will include bank protection with soil cement. Construction of the new travel lanes will also require relocating a tributary of Highway Spring Wash to the west, and adjacent to, the new roadway. Corrugated metal pipes (CMPs) and CBCs will be installed, extended, removed or plugged within 25 unnamed washes. Construction of the new travel lanes will bring this segment of US 93 into compliance with current roadway standards and accommodate projected traffic increases. Permanent discharge to waters of the United States (WOUS) will result from construction of the new travel lanes that will require the removal of excavated material and the filling of portions of WOUS with concrete and riprap for construction of the bridge, pipe and box culverts, aprons, headwalls and wingwalls. Temporary impacts include replacement of the existing CBC at Bridle Creek with a bridge, removal of existing CMPs and CBCs, grading portions of washes to proposed channel profile and cross section, and access and maneuvering of construction equipment and vehicles. For more information, see page 3 of this notice and attached drawings.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit application will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344).

Comments can be e-mailed to Dana Owsiany at Dana.L.Owsiany@usace.army.mil or mailed to:

U. S. Army Corps of Engineers
ATTENTION: Regulatory Branch (2004-00356-CJL)
3636 North Central Avenue, Suite 900
Phoenix, Arizona 85012-1936

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant will be required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality and/or the U.S. Environmental Protection Agency. For any proposed activity on Tribal land that is subject to Section 404

jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. For any proposed activity on land other than Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the Arizona Department of Environmental Quality. Section 401 of the Clean Water Act requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers.

Cultural Resources- Cultural resource surveys were conducted and a report was prepared for the 1997 environmental assessment (EA). The results of the investigation found that there was one known archaeological site affected by the proposed alignment. Cultural resources would be treated as stipulated in the Programmatic Agreement. The Corps will condition the permit such that during project ground disturbing activities work shall cease in any area where archaeological remains are encountered and the permittee shall be required to contact the Corp's office, ADOT Historic Preservation Team (HPT), and the BLM.

Endangered Species- The current U.S. Fish and Wildlife Service's list of endangered, threatened, proposed, and candidate species for Yavapai County was reviewed in November 2003 by Logan Simpson Design, Inc. Based on species evaluation it was determined that a low potential for the presence of Arizona cliffrose (*Purshia subintegra*). The northernmost 0.2 mile of the project area is within the species' elevation range; however soil conditions are probably not suitable. Based on the review there were no threatened or endangered species or proposed threatened or endangered species known to occur within the project area. It has been concluded that a no effect to any listed or proposed species or their listed or proposed critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Construction of the new travel lanes, installation of the new bridge at Bridle Creek, installation, extension, removal and plugging of CMPs and CBCs, and channel modifications to WOUS will permanently impact approximately 4.79 acres of waters of the United States. Replacement of the existing CBC at Bridle Creek with a bridge, removal of existing CMPs and CBCs, grading portions of washes to proposed channel profile and cross section, and access and maneuvering of construction equipment and vehicles will temporarily impact 0.42 acres of waters of the United States. Therefore, the total, maximum impact to waters of the United States is 5.21 acres.

Additional Project Information

Drainage modifications are located within new and existing ADOT right of way/easement. All work, including staging, will occur within the ADOT right of way/easement. Staging areas and material stockpiles may be temporarily located within waters of the United States.

The proposed project will require approximately 700 cubic yards of excavation, 48,292 cubic yards of concrete, and 1,934 cubic yards of riprap to be placed in WOUS. There is minimal potential to encounter hazardous material from where the excavations will occur. No asphalt or construction waste material of any kind will be used in the embankment fill and no debris generated from the construction activities will be allowed to remain within the washes after construction is completed.

Native materials excavated on site may be used as backfill or replaced and will be compacted to

approximate preconstruction density using conventional equipment (rubber-tired and tracked vehicles).

The project area is located within the Arizona Upland Sonoran Desertscrub habitat. The sloped banks of Bridle Creek, Highway Springs Wash and the 25 unnamed washes would be regraded and hydroseeded with native plants indigenous to the area and create habitat as a part of this project.

Due to limited opportunities for in-kind habitat replacement, ADOT will restore available watercourses to pre-construction grades, reseed and provide payment to the BLM to mitigate for permanent loss to WOUS within the project area in the amount of \$47,900. The proposed mitigation plan would permit BLM to purchase replacement or restoration of lands for riparian habitat. As an alternative, if no suitable lands are available within 5 years, ADOT will pay the BLM a lump sum in-lieu payment of \$47,900. In-lieu payment will require a restoration plan to be approved by the Corps prior to implementation.

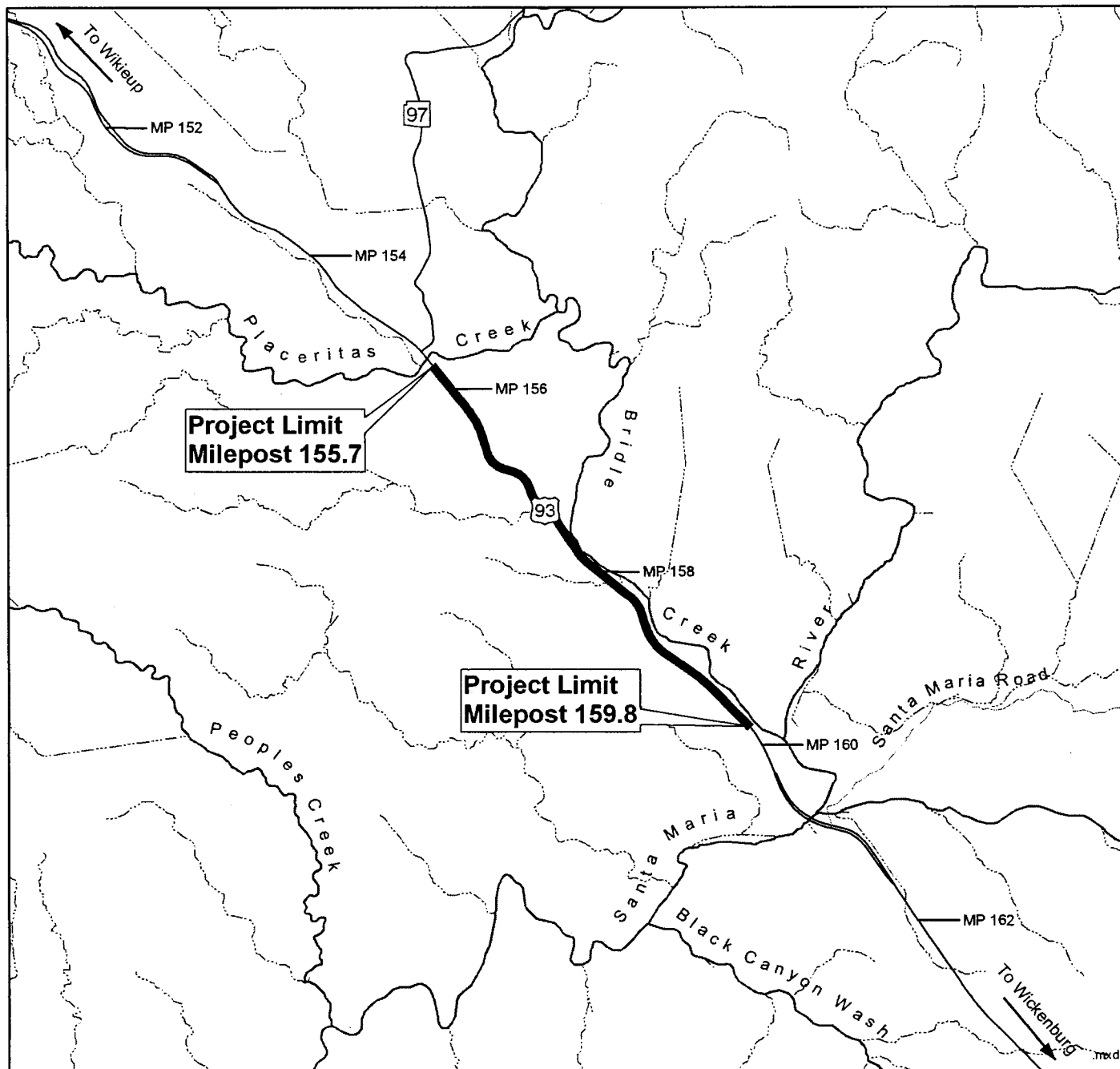
Construction is currently scheduled for December 2004 and will end in December 2006.

Proposed Special Conditions

1. The permittee shall mitigate for the loss of 4.79 acres waters of the United States associated with the bridge, roadway, and drainage activities for the US 93 – Cottonwood Canyon and Bridle Creek Section. The permittee has agreed to provide payment to the BLM to mitigate for permanent loss to WOUS with the project area in the amount of \$47,900.
2. The permittee shall comply with all requirements and conditions in the state water quality certifications that the Arizona Department of Environmental Quality signed on xx, xx, xxxx. These certifications demonstrate that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of the letter is enclosed.
3. The permittee shall conform to all the terms and conditions of the Programmatic Agreement among the Federal Highway Administration, the Arizona Department of Transportation, the U.S. Bureau of Land Management, the Arizona State Land Department, the Arizona State Museum, the Hualapai Tribe, the Yavapai-Prescott Indian Tribe, the U.S. Army Corps of Engineers, the Arizona State Historic Preservation Officer, and the Advisory Council on Historic Preservation regarding the historic properties along United State Route 93 between Wickenburg and Wikeiup, Yavapai County, Arizona (copy attached).
4. The permittee shall provide notification, either written or verbal, to the Corps of Engineers at least one week prior to the start of work, as to the anticipated beginning and ending dates of construction. The permittee shall maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit.
5. A copy of the permit shall be on the job site at all times during construction. Prior to initiating construction activities under this permit, the permittee shall provide a copy of this permit to all contractor(s), subcontractor(s), foreperson(s), and construction representatives. The permittee shall require that all contractor(s), subcontractor(s), foreperson(s), and construction representatives read this authorization in its entirety and acknowledge they understand its contents and their responsibility to ensure compliance with all general and special conditions contained herein. This is intended to confirm that the contractor(s) has read, understood, and agrees to comply with the terms and conditions of this Section 404 authorization. The permittee shall provide the Corps written confirmation of this requirement prior to initiating construction activities, with the contractor's signature, contractor's license number, phone number, and address included on the confirmation.

6. The permittee shall allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished within the terms and conditions of the permit.
 7. The construction limits for the work areas shall be staked or flagged prior to construction. The contractor(s) shall be thoroughly familiarized with the project boundary, and all perimeter markings shall be maintained intact for the life of the project. The contractor shall monitor the construction zones during the entire length of the contract to ensure fencing remains in place and that no vegetation is disturbed outside of the construction limits. No excavation, fill, or leveling is permitted in the watercourse, outside the boundaries of the permitted work areas.
 8. Temporary construction access, staging activities, and stockpiling sites shall be sited to minimize the removal of mature trees, to utilize previously disturbed areas to the extent practicable and to minimize the total area of disturbance. The permittee shall immediately remove all excavated material to an upland disposal site.
 9. The permittee shall ensure that the natural course of all impacted drainages and work areas (within waters and uplands) are stabilized, reseeded with a locally native plant species, and restored to pre-project contours and conditions, to the maximum extent possible, upon project completion. Watercourse morphology shall be re-established to match pre-construction configurations. Temporary impacts to waters of the U.S. shall be minimized.
 10. The jurisdictional waters of the U.S., regulated by Section 404 of the Clean Water Act, after construction activities are completed, shall be the remaining natural wash channels and the manmade channels into which the diverted washes have been directed. Any additional disturbance in these areas would require another Section 404 application.
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For additional information please call Dana Owsiany at (602) 640-5385, x254. This public notice is issued by the Chief, Regulatory Branch.



Source: Arizona Transportation Information System GIS Coverage (2002)

Key

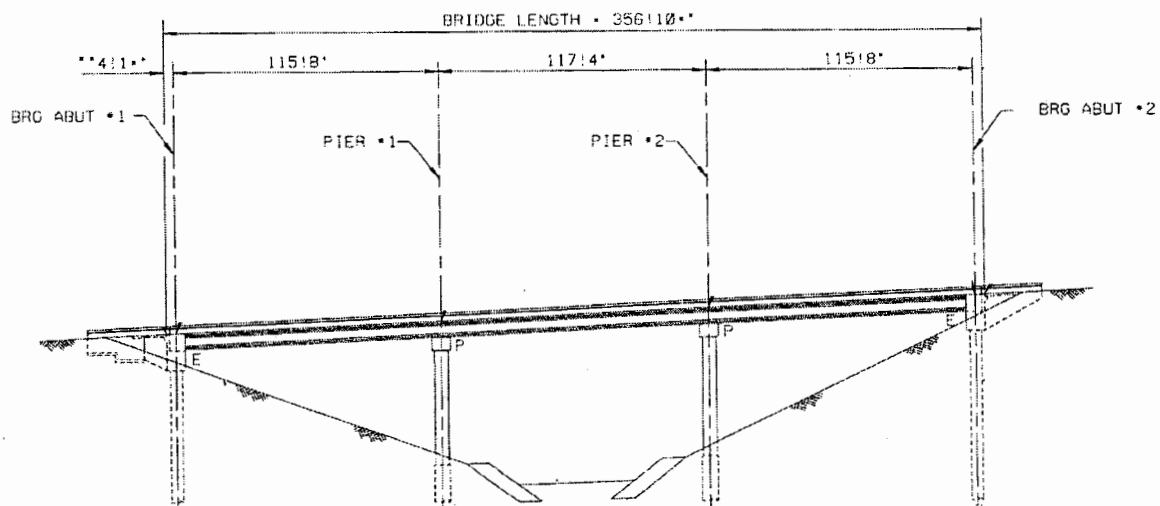
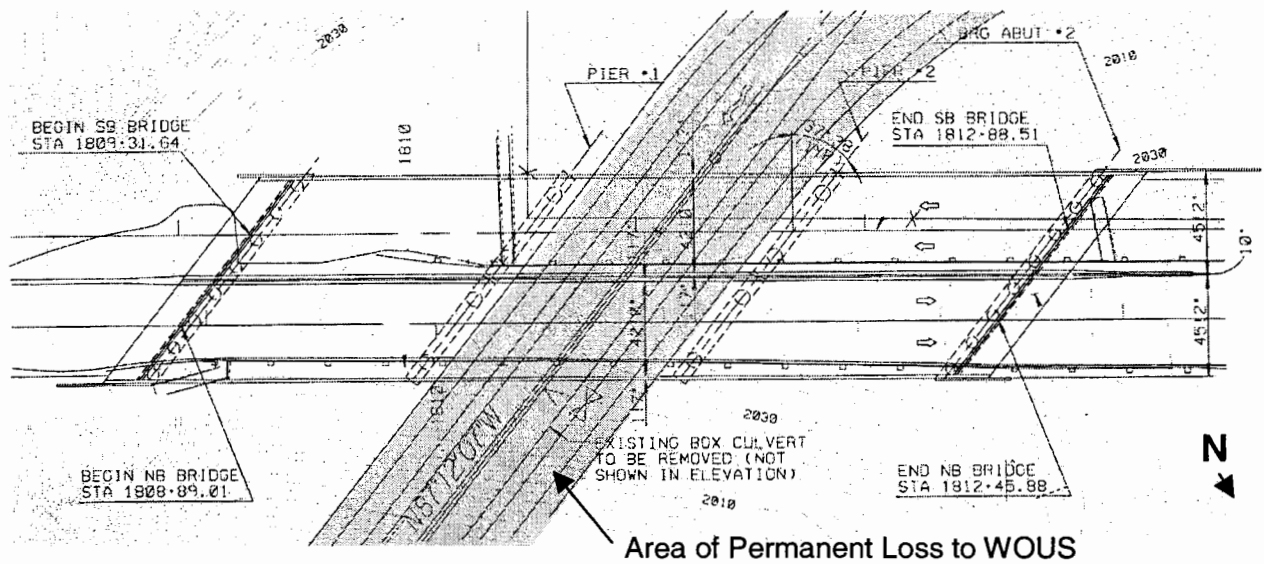
— Project Area



Figure 2. Project Vicinity Map

US 93, Cottonwood Canyon and Bridle Creek Section
 Section 404 Individual Permit
 COE File No.: 2004-00356-CJL
 TRACS No.: 093 YV 156 H5544 01C

April 2004



Scale: 1"=

Figure 7. Cottonwood Canyon Bridge Detail

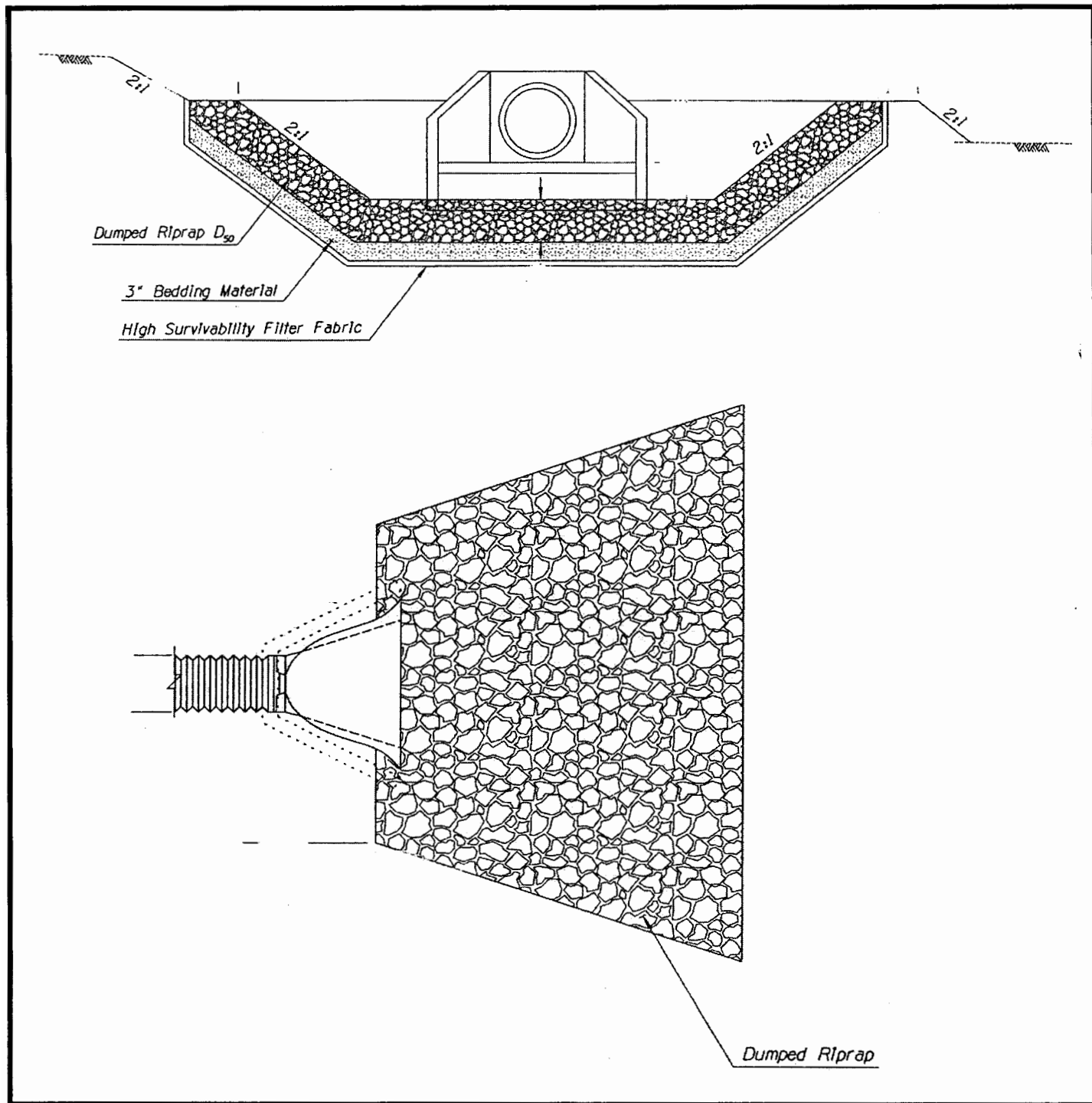


Figure 8. Typical Corrugated Metal Pipe and Riprap Detail

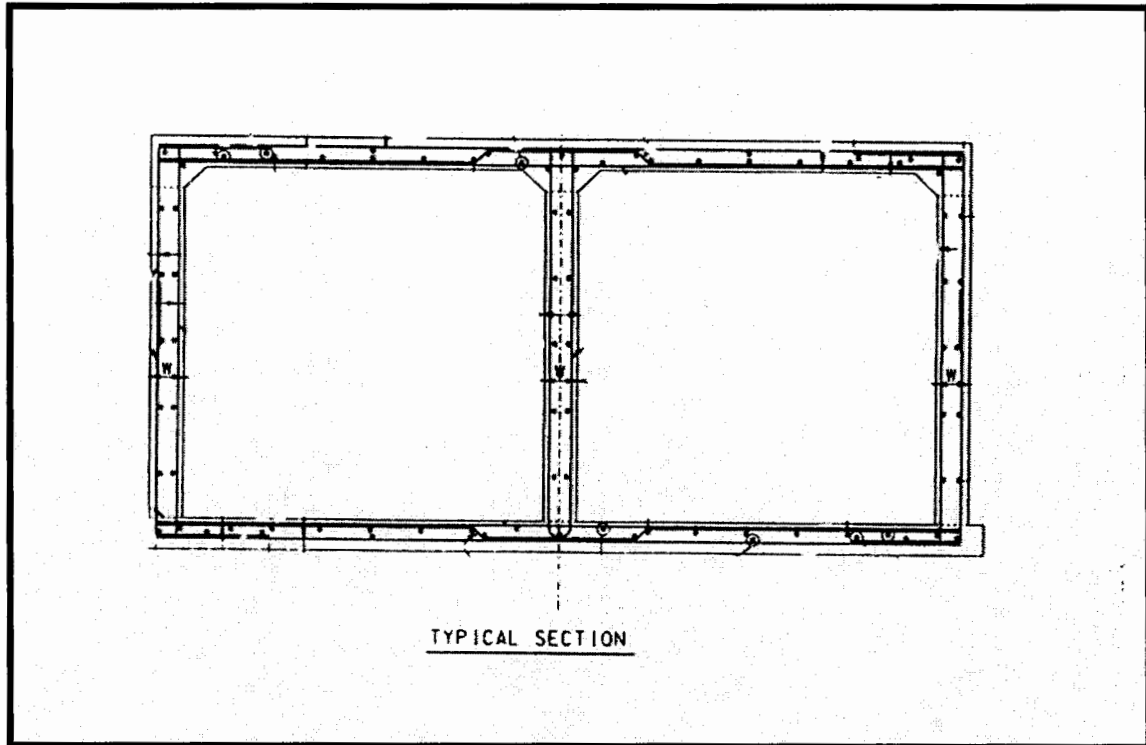


Figure 9. Typical Concrete Box Culvert Detail

US 93, Cottonwood Canyon and Bridle Creek Section
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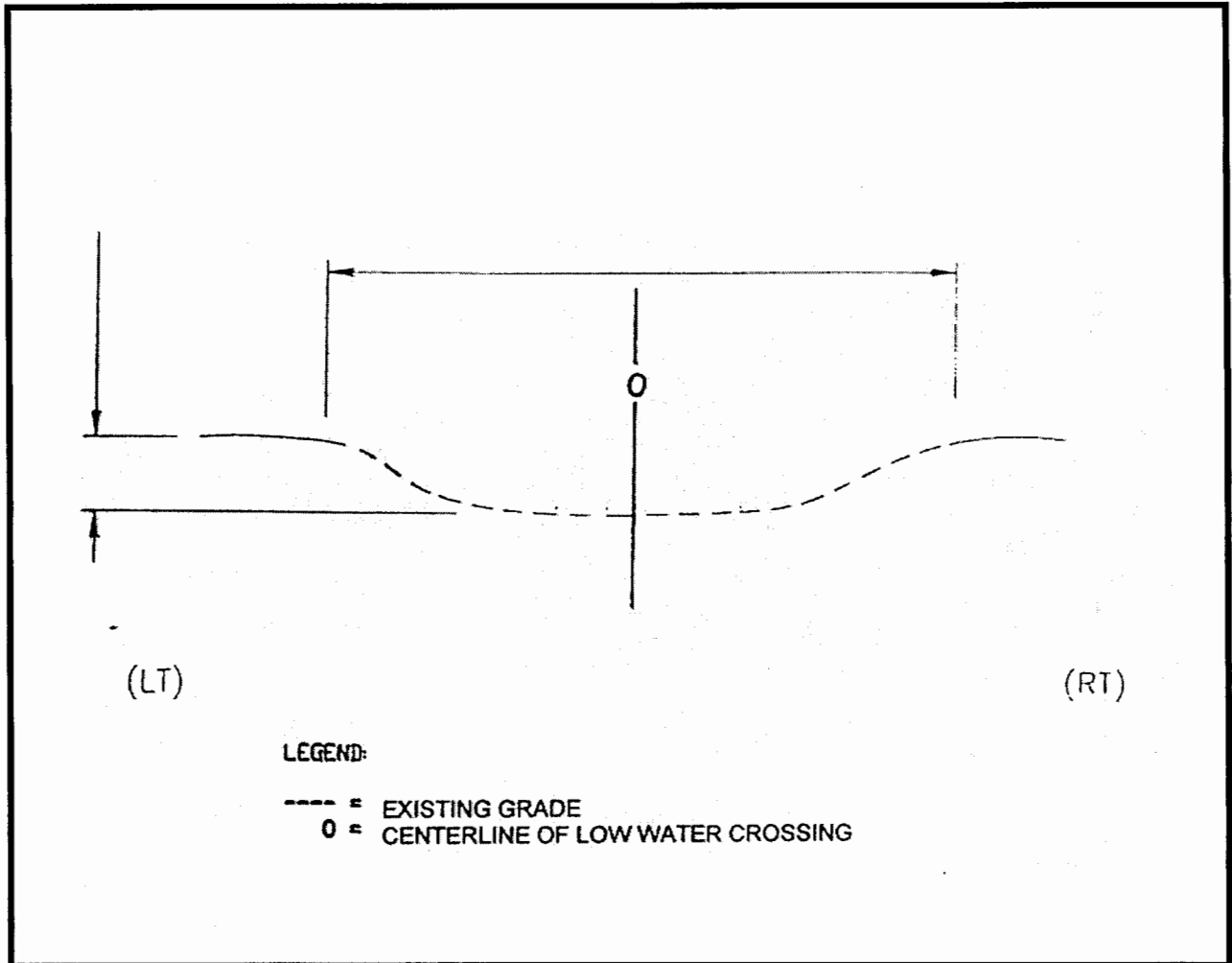


Figure 10. Typical Wash Cross Section